G. R. S. IX-5]

Previous references.

CB. 216-23-142(Compd)

1923-24

(CB)

File No. 214/23

Serial Nos. 3 to 5-

Later references.

CB 216-23-647

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3 to 5-

Part B for June 1924

SUBJECT.

Privilege leave to Mr. Fernandez
District Medical Officer
Bangalore

To

The Senior Surgeon, Mysore Govt
The Comptroller, Mysore Govt
Res. 3683-4 Dy 5/6/24

Directs that Mr. Fernandez be given 4 months' privilege leave from 16th May 1924 and retired on the expiry of the leave

WD 2283—GPB—20,000—14-6-20

G. R. S. III-2.

1768 (1
1787

General and Revenue Secretariat. | CB File No. 214 of 1923.

Serial No.

3

From -

The Senior Surgeon in Mysore.

No. 45 dy 10th May 1924 forwarding an application from Dr. Fernandez, for the grant of Six months Combined leave or whatever leave at his credit and states that officers who are ordered to be Compulsorily retired for bad work do not seem to be entitled to leave.

Dr. Fernandez was Compulsorily retired as ordered in G.O. No. 3499 dated 18th May 1924.

CB 214-23-2

x Flag "N"

Submd.
KA.M
12/5.

Chief Secy 13/5

Report
13/5
Subp.

CB. file No 214-23(Ss 1-2) putup.

KA.M
13/5.

Short Dr. Fernandez has not entitled leave before Compulsory retirement but his case has been allowed with casual appeal against when disciplinary action has been taken

13/5

181 Members

9650
14/5

NOTE—Contn. sheet.

(2

G. R. S. III-2)

General and Revenue Secretariat.

C.B. File No. 214 of 1923.

Serial No. 9650

D. Fernandes' case is rather an unfortunate case. We have given him several years and consequently raised them also two or three times. Mr Fernandes has not been found wholly corrupt in any malpractices. He is but retrenched his own unfortunate habits. His prayer for leave may be favourably considered & he may be granted his privilege leave he is entitled to.

Under
14/5

Please submit after Durbar

Secy) 1375
Hon'ble Minister
14.5
Revenue) 1965

In granting him proportionate pension once on his service he has already been shown a concession as the maximum amount of pension allowable in such cases is only two thirds of the proportionate pension (Art. 240. III. & R). To grant him leave on additional would be to show an additional concession

NOTE—Contn. sheet.

CB 1768 1787 1812

C3

Serial No.

which he does not deserve. The Senior Surgeon does not recommend the grant of the leave. In these circumstances we have to decline granting this request.

21
20.5.24

Submitted a representation dated 5th January 1924 from the UT Members Secretary

9812/20/5

I think compulsory retirement is a suppose punishment for the fault Mr Fernandez has committed. I do not think he has done anything to deserve this punishment. I would strongly recommend his grant of leave.

Illegible
21/5

Hence keeping the P. leave he is entitled to - disposing of

9847/22/5

2
20/5

UT Members) — 21/5

NOTE—Contn. sheet.

Issue orders accordingly.
I do not think that his request should be granted. Illegible

Illegible certificate 26/5 26/5

G. R. S. III-2,

General and Revenue Secretariat.

C. B File No. 214 of 1923.

4

1875
1854
1892

Serial No.	
4	From The Sen. Surgeon - no C.519-1. dt 26.5.24. Submits a representation of Mr. Fernandes praying for reinstatement and recommends the grant of leave applied for by him (i.e. 'privilege leave together with furlough on average salary + furlough on half pay with permission to retire at the end of leave.). The comptroller has been requested to furnish a certificate showing the amount of privilege leave at the credit of Mr. Fernandes on the date of his relief, i.e, 16th May 1924. The Senior Surgeon now recommends the grant of the leave applied for by Mr. Fernandes. ~~i.e. privilege leave + furlough~~ Submitted for orders. Asst Surgeon 27.5.24. Please sanction privilege leave not to exceed 4 months. 4 1875 According to the Comptroller's certificate, Mr. Fernandes was entitled to 4 months' privilege leave on 16th May 1924. Draft G.O. is submitted. Asst 30.5.24 Sd/ 1st member + Secretary Sd 31/5 31/5

(as in Page 4 of the presentation)

* i.e. privilege leave + furlough.

NOTE—Contn. sheet.

No: T. 168 CB. 1875

MEMO OF INTERVIEW WITH THE DEWAN.

30 MAY 1924 192

Name of Interviewer—

J Fernandes.

Representation in brief—

Increase of Salary
& Higher Grade

Leave & Medical Certificate

Y

F. S.

Necessary action.
(Medical Officer) J Fernandes

C.S.
mms

30/5

The order was treated as Confdl. and a Copy was sent to the Senior Surgeon in a Sealed Cover.

The Senior Surgeon has reported that Mr. Fernandes applied for a Copy of the order which was accordingly granted to him.
(Vide Senior Surgeon's Letter R 27/5/24)

G. R. S. III-2,

General and Revenue Secretariat.	File No.	of 19

Serial No.

Subject to the Decision (Vide interview slip dt 30/5/24).

2/6/24 Dewan

Sec. 4/1/46 2/6

Inward 4/6

To

5° The Secy. Surgeon & Comptroller. G.O.No 3683.4 dt 5.6.24.

Directs that Mr. Fernandez be given 4 months' privilege leave from 16th inst 1924 & retired on the expiry of the leave.

NOTE—Contn. sheet.

Confidential

C.B. 1787

No. 45/Sec.1

Office of the Senior Surgeon, Mysore Govt.

Dated Bangalore, the 10th May 1924.

CB 24-23-3

From

Dr. H. B. Mylvaganam, F.R.C.S.(Eng).,

Senior Surgeon with the Government of His Highness

the Maharaja of Mysore, Bangalore.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore, Bangalore.

Sir,

In forwarding herewith, for orders, an application made to you by Mr. F. Fernandes, for the grant of six months' combined leave, I have the honor to state that the grant of leave, even in the case of officers whose service is recognised as good, is left to the free discretion of Government (vide Art.127-a, Mysore Service Regulations. An officer ordered to be compulsorily retired for bad conduct does not seem to be entitled to leave.

I have the honor to be,

Sir,

Your most obedient servant,

H.B. Mylvaganam

SENIOR SURGEON.

Very urgent

Through the Senior Surgeon in Mysore Bangalore

19

From J. Fernandes Esqr.
Dist. Medl. Officer
Bangalore District.

To The Chief Secretary to the Government General and Revenue Department Bangalore.

Dated

Despatched 8-5-23

Received

General No. 3546

No.

Enclosure No. Nil

Sir,

I have the honor to bring to your kind notice that I had requested the Senior Surgeon in Mysore on the 6th Instant to recommend me to Government for the grant of 6 months Combined leave. In reply, he informed me that in Government order No 3499 - C. B 214-23-2 dated 1-5-1924 Government have been pleased to order my compulsa retirement from the

the date of relief and that there will therefore be no need for granting me the leave applied for.

In this Connection, I beg further to bring to your kind notice that I have served the Government for nearly 18 years. I therefore request you to grant me whatever leave I am entitled to before being relieved as it is been done in Several Cases.

I have the honour to be
Sir,
Your most Obedt Servant
J Fernandes

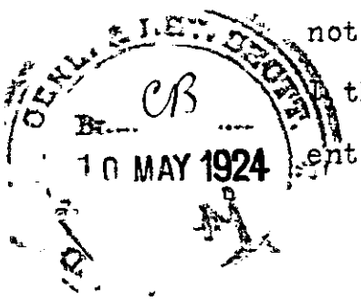
Dist. Med. Officer
Bangalore District.

Letter No. 3546 dated the 8th May 1924 from F. Fernandes, Enq., District Medical Officer, Bangalore to the Chief Secretary to Government, through the Senior Surgeon in Mysore Bangaloe.

C.B. 1768

I have the honor to bring to your kind notice that I had requested the Senior Surgeon in Mysore to recommend me to Government for the grant of 6 months combined leave. In reply he informed me that in Government Order No. 3499/C.B. 214-23-2 dated the 1st May 1924 Government have been pleased to order my compulsory retirement from the date of relief and that there will therefore be no need for granting me the leave applied for.

In this connection I beg to bring further to your kind notice that I have served the Government for nearly 18 years. I therefore request you to grant me whatever leave I am entitled to before being relieved.



34868

Office of the District Medical Officer,
Bangalore dated the 9th May 1924.

No. 3557

Copy of above is submitted to the Chief Secretary to Government for favor of kind information and early orders.

The above has already been submitted to Government through the Senior Surgeon in Mysore.

F. Fernandes

District Medical Officer,
Bangalore District.

Subs. Dr. Fernandes' letter Stated. Through the Senior Surgeon may be awaited.

10/5/24

Yes
Clk
10/5

No.C2 519-1
Para 2

Office of the Senior Surgeon, Mysore Govt.

Dated Bangalore, the 26th May 1924.

Confidential

CB 1854.
C.B.214-23-4

From

Dr. H.B.Mylvaganam, F.R.C.S.(Eng).,
Senior Surgeon with the Government of
H. H. the Maharaja of Mysore, Bangalore.

To

Reply 27/5

The Chief Secretary to the Government of
H. H. the Maharaja of Mysore, Bangalore.

Sir,

In forwarding herewith a representation addressed to you by Mr.F.Fernandes, praying for reinstatement on the grounds therein mentioned, I have the honor to state as follows.

Para 2

G.O.No.3499-C-B.214-23-2, dated 1st May 1924, was received by me on the 3rd May 1924, but was not communicated to Mr.Fernandes at once as I had to obtain orders of Government regarding arrangements for his relief. But when, on the 6th idem Mr.Fernandes applied for six months' combined leave, he had to be informed in my No.C.Dis.1049, dated 8-5-1924, that his retirement had been ordered and that there was therefore no occasion for granting him leave. He then applied for a full copy of the retirement order, which was accordingly granted to him on 12-5-1924.

Para 3.

It is not true that Mr.Fernandes "was not given any opportunity" to meet the charges against him. His explanation a copy of which was submitted to Government with my D.O.letter No.Cf.41, dated 26th March 1924, was a reply to my confidential enquiry No.X. dated 15th March 1924, addressed to him, in which the charges against him have been clearly set forth. My report to Government was based on the facts deposed to in my presence by the different members on the staff of the hospital and on the oral and written admissions made by Mr.Fernandes.

Para 4

In a hospital where patients are admitted all the 24 hours are regarded as hospital hours. It is only for outpatient work that certain hours are regarded as "working hours" Mr It

It is difficult to follow Mr.Fernandes when he tries to defend his action on the 16th November night by saying that it was "committed outside office hours." That he signed a few papers on the 11th December cannot disprove the fact that he behaved as already reported to Government. Unfortunately, no attendance register is maintained in the office of the District Medical Officer to show whether, and if so when, he had attended office that day.

Para 6. My conclusion that Mr.Fernandes, when drunk, stoops to low things, was, of course, based on the depositions of those who actually saw him in a helpless state. It is obviously futile to expect Mr.Fernandes to make any admission of the acts done by him when he was not himself.

The other statements and requests of Mr. Fernandes do not seem to call for any remarks from me. They are entirely matters for the orders of Government. The leave applied for by him may be granted.

I have the honor to be,

Sir,

Your most obedient servant,

L.B. Mayhew

Senior Surgeon.

No.A.

No.9, "9" Street,Fort,
Bangalore City,
17-5-1924.

To

The Chief Secretary to Govt.,

Through

The Senior Surgeon in Mysore,Bangalore.

Sir,

I beg to submit a representation for a re-considera tion of Government Order No.3499/C.B.204-23-2 dated the 1st May 1924 directing my compulsory retirement from the service of Mysore.

Though the order is based on a report of the Senior Surgeon of the 26th March 1924 and the Government Order itself was passed on the 1st May 1924, the only information that.I have had that any such serious proceedings were being taken against me, was from the copy of the order sent to me by the Senior Surgeon on the 12th May 1924. It is true that I had seen the Senior Surgeon before he made his report. As he did not give me to understand that he was engaged in any serious enquiry against me and assured me that he was acting in an entirely friendly manner towards me and would do his best to help me on that I made certain admissions. I had no idea that he would distort them and draw certain exaggerated inferences therefrom utterly unjustified and send up such a report.

Before any official in service can be punished, the recognised procedure is that he should be furnished with a copy of the charges to be answered, his explanation taken and an opportunity given to him to meet any evidence that may beadduced in the course of enquiry held. In my case, I understand that the Senior Surgeon first deputed a clerk of his office to make secret enquiries without my knowledge and has allowed himself to be biassed by such irresponsible

irresponsible methods of obtaining information. I have not given any opportunity of meeting any of these charges.

In regard to the facts themselves the two occasions referred to by him are the night of the 16th November 1923 and the noon of the 11th Decr. 1923. As regards the 16th Novr.1923, the fault, if any, was committeed outside office hours and so far as the 11th December 1923, is concerned the following (copy attached) is a record of the work I did on that day which clearly disproves the assumption that I was so bad as to be incapitated for work. My visits to the E.D.Camp are made in the mornings. If as surmised, I was far from sober on any of these occasions, I could not have attended to my duties there and again attended office as usual regularly.

I have put in nearly ~~12~~ ~~15~~ 19 years of service. There has been no complaint at any time during that period that my habits were such as were likely to prevent me from discharging my duties satisfactorily or maintaining my prestige. I was the Health Officer of the Bangalore City Municipality for several years when the nature of my work was such that I had to be ready to go out at any moment and there was not a single occasion even at the time of the worst epidemic, when I was not ready at my post.

It is not clear on what facts the assumption of the Senior Surgeon "that Mr.Fernandes is addicted to drink which habit he is unable to shake off and while drunk he stoops to low and mean things quite subversive of discipline in the Hospital" is based. Before coming to such a sweeping conclusion, the Senior Surgeon might have been expected to mention to me the facts on which it was based as the admissions

admissions I might have made could by no manner of stretching lead to it. As I have already stated if intemperance had become so engrained in me that I had lost all self control such a state of mind and body could not have been concealed by me for such a length of time. The report of the Senior Surgeon clearly shows that he has been deeply prejudiced against me, has acted on hearsay and other evidence which he has given me no opportunity of controverting and practically forced me into an admission by concealing from me the fact that the enquiry involved a matter of life and death to me,

If Government were now to send me a copy of the Senior Surgeon's report, I feel confident that I shall be able to answer all the charges to the satisfaction of Government.

In conclusion, I beg most respectfully to represent to Government that the punishment awarded is out of all proportion to any actual dereliction of duty that may have been proved against me. There has been no report so far that I failed in any manner in the discharge of my duties, nor does the report show that the failing, if any, that I might have had was not such as could have been overcome by a friendly warning. I have served Government faithfully for the past 18 years and taken very little leave. As no charge of any moral turpitude has been brought home to me, I might have been given leave and if I did not show any improvement the Government would be justified in dealing out to me the severest punishment.

In these circumstances, I beg that Government may be pleased to re-consider the orders already passed and direct my re-instatement. I am quite

quite prepared to go ~~xx~~ on leave for some time should Government so desire. Incase Govt. are not prepared to do so, I beg that I may be allowed the full extent of privilege leave together with furlough on average salary and furlough on half pay with permission to retire at the end of it. Instances are not wanting where Government has shown such concessions in the case of officers found guilty of much more serious defects.

I also beg that the Government Order No.3499/CB. 214-23-2 dated 1-5-24 which is worded so as to stamp my long and faithful official career with underserved opprobrium may be altered and all expressions of obloquy removed.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- F.Fernandes.

****

"COPY"

K.B. Mylangam

Senior Surgeon

Record of work done on the 11th December 1923.

Went round the wards.

Letter to Mr.C.Mariappa informing him that the tender for the supply of Diet articles has been accepted and requesting him to execute the usual contract bond.

Letter to Mr.C.Doraswamy Moodr.informing that his tender for the supply of Bedding & Clothing has been accepted and requesting to execute the usual contract bond.

Letter to Messrs.Abdul Karim and Sons., that their tender for supply of Bedding & Clothing has been rejected and asking them to take back their deposit..

Mr.V.Philips reports himself for duty at the Hospital, as Acting Steward.

Sd/-F.Fernandes.
(Medl.Officer,E.D.Hospital.)
Bangalore.17-5-24.

****
"COPY"

Bva.

for Senior Surgeon.

G. R. S. III-21

General and Revenue Secretariat.

C.B. File No. 214 of 1923.

Serial No.

No. 42 C.B. 27/5/24

The Comptroller to Government is requested to furnish a certificate showing the amount of privilege leave at the credit of Mr. F. Fernandez District Medical Officer, Bangalore, on the 16th May 1924.

By order,

Butler Cumming

37036

24.5.24. For Chief Secretary to Govt.

Encl: Reply No 780/S.A.B. D/29/5/24
Certificate no: 131. dated 27.5.24 enclosed.
K Subramanyam Ayr.
For Comptroller.

27.5.24 MMR

NOTE—Contn. sheet.

120.A
17.5.24

110. Q. Q" Street
Fort
Bangalore City.
17th May 1924

To

The Chief Secretary
to Government.

Through,

The Senior Surgeon to the
Government of Mysore,
Bangalore.

Sir,

I beg to submit a representation for a re-consideration of Government Order No.3499/C.B. 204-23-2 dated the 1st.May 1924 directing my compulsory retirement from the service of Mysore.

Though the Order is based on a report of the Senior Surgeon of the 26th March 1924 and the Government Order itself was passed on the 1st. May 1924 the only information that I have had that any such serious proceedings were being taken against me, was from the copy of the order sent to me by the Senior Surgeon on the 12th May 1924. It is true that I had seen the Senior Surgeon before he made his report. As he did not give me to understand that he was engaged in any serious enquiry against me and assured me that he was acting in an entirely friendly manner towards me and would do his best to help me on that I made certain admissions. I had no idea that he would distort them and draw certain exaggerated inferences therefrom utterly unjustified and send up such a report.

Before any official in service can be punished, the recognised procedure is that he should be furnished with a copy of the charges to be answered, his explanation taken and an opportunity given to him to meet any evidence that may be adduced in the course of enquiry held. In my case, I understand that the Senior Surgeon first deputed a clerk of his office to make secret enquiries without my knowledge and has allowed himself to be biassed by such irresponsible methods of obtaining information. I have not been given any opportunity of meeting any of these charges.

In regard to the facts themselves the two occasions referred to by him are the night of the 16th November 1923 and the noon of the 11th December 1923. As regards the 16th November 1923 the

fault/

fault, if any, was committed outside office hours and so far as the 11th December 1923 is concerned the following is a record of the work I did on that day which clearly disproves the assumption that I was so bad as to be incapacitated for work. My visits to the E.D.Camp are made in the mornings. If as surmised, I was far from sober on any of these occasions, I could not have attended to my duties there and again attended office as usual regularly

I have put in nearly 18 years of service. There has been no complaint at any time during that period that my habits were such as were likely to prevent me from discharging my duties satisfactorily or maintaining my prestige. I was the Health Officer of the Bangalore City Municipality for several years when the --- nature of my work was such that I had to be ready to go out at any moment and there was not a single occasion even at the time of the worst epidemic, when I was not ready at my post.

It is not clear on what facts the assumption of the Senior Surgeon "that Mr. Fernandez is addicted to drink which habit he is unable to shake off and that while drunk he stoops to low and mean things quite subversive of discipline in the Hospital" is based. Before coming to such a sweeping conclusion, the Senior Surgeon might have been expected to mention to me the facts on which it was based as the admissions I might have made could by no manner of stretching lead to it. As I have already stated, if intemperance had become so engrained in me that I had lost all self control such a state of mind and body could not have been concealed by me for such a length of time. The report of the Senior Surgeon clearly shows that he has been deeply prejudiced against me, has acted on hearsay and other evidence which he has given me no opportunity of controverting and practically forced me into an admission by concealing from me the fact that the enquiry invloved a matter of life and death to me.

If Goverment were now to send me a copy of the Senior Surgeon's report, I feel confident that I shall be able to answer all the charges to the satisfaction of Government.

In conclusion, I beg most respectfully to represent to Government

Government that the punishment awarded is out of all proportion to any actual dereliction of duty that may have been proved against me. There has been no report so far that I failed in any manner in the discharge of my duties, nor does the report show that the failing, if any, that I might have had was not such as could have been overcome by a friendly warning. 'I have served Government faithfully for the past 18 years and taken very little leave. As no charge of any moral turpitude has been brought home to me, I might have been given leave and if I did not show any improvement the Government would be justified in dealing out to me the severest punishment.

In these circumstances, I beg that Government may be --- pleased to re-consider the orders already passed and direct my re-instatement. I am quite prepared to go on leave for some time should Government so desire. In case Government are not prepared to do so, I beg that I may be allowed the full extent of privilege leave together with furlough on average salary and furlough on half pay with permission to retire at the end of it. Instances are not wanting where Government has shown such concessions in the case of officers found guilty of much more serious defects.

I also beg that the Government Order No.3499/C.B. 214-23-2 dated the 1st. May 1924 which is worded so as to stamp my long and faithful official career with undeserved opprobrium may be alter ed and all expressions of obloquy removed.

35704

I have the honour to be,

Sir,

Your most obedient servant,

J Fernandes

CB

17 MAY 1924

CB-1812

No. A-1
17.5.24

copy submitted to the Chief Secretary to Government for favour of kind information and favourable Imperial orders. one copy has been submitted through the Surgeon in my No "A" dated 17.5.24

J Fernandes

Please

17/5

Record of work done on the 11th Dec 23

— o —

11-12-23. Went round the wards.

X. Letter to Mr. C Mamappa informing him that the tender for the supply of Diet articles has been accepted and requesting him to execute the usual Contract bond.

Letter to Mr. C Doraiswamy Moodr informing him that his tender for the supply of Bedding & clothing has been accepted and requesting to execute the usual Contract bond

Letter to Messrs Abdul Kareem & Sons that their tender for the supply of bedding & clothing has been rejected and requesting to take back their deposit

Mr. V. Philips reports himself for duty at the Hospital as Stewards

J Fernandes
17-5-24

G. R. S. VI-71]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192* .

Date of issue 5th June 1924

Signed by Dwc S Ruthnaswamy

Section C.B.

File No. 214-23.

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read–

G.O. No. 3499-s/C.B.214-23.2 dated 1st May 1924 directing that Mr. Fernandez, Distt. Med: Officer, Bangalore, be compulsorily retired from service with effect from date of relief.

2. Correspondence ending with letter No. C.25.19-1 dt 26th May 24 from the Sen. Surgeon submitting with his remarks the Representation of Mr. Fernandez dated 19th May 1924 praying for a reconsideration of the above order.

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

Order Thereon:– No. 3683-4/C.B.214-23-5 dt 5th June 1924

In modification of the G.O. dated 1st May 1924 read above, Govt are pleased to direct that Mr. Fernandez be given privilege leave for four months from date of relief, i.e, 16th May 1924 and compulsorily retired from service on expiry of the privilege leave.

Chief Secretary.

To The Senior Surgeon for communicating to Mr. Fernandez

" Comptroller

" Dist. Med. Officer, Bangalore.

copy to Med. Section 5/6/24

Mail 30.5.24